

Dated: _____



In re Patent Application of:
Yoshikazu Okada et al.

Confirmation No.: 8127

Art Unit: 1742

Examiner: D. J. Jenkins

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Applicant respectfully submits that there are clear errors in the examiner's rejections in that the Examiner has failed to consider all the limitations present in the claims.

From the Office Action, it is clear that the Examiner failed to consider all the limitations in the claims. For example, the following bolded features in claims 1 and 3 were not considered:

press-forming a raw material powder to obtain a green compact; placing the green compact on a sintering plate; and sintering the green compact,

wherein the green compact is placed on the sintering plate so that the predetermined direction is oriented substantially toward an outer circumference of the sintering plate in plan view.

Claim 3 (currently amended): The method for manufacturing a sintered object, comprising:

press-forming a raw material powder to obtain a green compact;

placing the green compact on a sintering plate; and

sintering the green compact,

wherein the green compact is press-formed so that the density of the green compact made of the raw material powder is gradually decreased in a predetermined direction, and

wherein the green compact is placed on the sintering plate so that the predetermined direction is oriented substantially toward an outer circumference of the sintering plate in plan view.

As explained on pages 7-9 in the response dated September 29, 2005 filed in response to the Final Office Action dated July 1, 2005, at least these limitations are not met by the cited prior art reference, Tokuhara et al.

As evidence of the Examiner's failure to consider these limitations, Applicant points to the Office Action dated July 1, 2005 on pages 2-3, in which the Examiner states:

Claims 1 and 3-9 are rejected under 35 USC 102(e) as being anticipated by Tokuhara et al.

Tokuhara et al. disclose a method of forming a sintered compact comprising:

filing a die with a powder (col. 6, lines 26-64);

compacting said powder with an upper die to form a green compact (col. 7, lines 7-30);

conveying said green compact to a sintering plate (col. 7, lines 31-49); and

placing the sintered plate in a sintering furnace and sintering the green compacts to form a sintered compact (col. 7, lines 63 to col. 8, lin 18).

Tokuhara et al. disclose that the green compacts are arranged in an array formation on the sintering plate, allowing for sintering to be performed in a directional manner i.e. sintering of the vertical sides of the green compacts would take place at an inherently different rate than [sic] the bottom of the green compacts.

The Examiner finds that the breath of the limitations to "desired" and "predetermined", as determined as broadly as possible in light of the specification, allows for the inherent change in temperature across the body allowing for the body to form at a rate that meets "desired" and "predetermined" direction.

It was explained in both the response dated April 8, 2005 ("April 8 response") and the response dated September 29, 2005 ("September 29 response") that the way the green compact positioned in a predetermined direction, which is defined in the claims 1 and 3 as being oriented substantially towards an outer circumference of the sintering plate in plan view, distinguishes the claim over the cited prior art. However, the Examiner continues to ignore at least this limitation as

seen above in the July 1 Final Office Action also in the advisory action dated October 21, 2005, in which the Examiner merely states: "the argument directed at the 'predetermined' limitation is not persuasive" and rejected the claims as being anticipated.

Claim 10 has also not have been properly considered as explained on page 10 of the September 29 response.

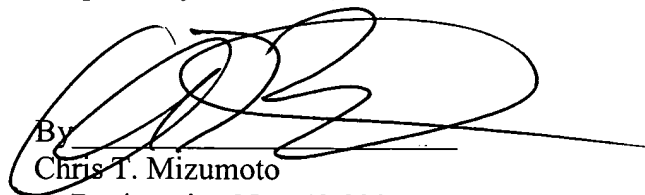
"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Clearly, the Examiner has failed to show this in the Office Actions.

Relief Requested

Applicant requests that all of the elements in the claims be properly considered and that the claims be allowed over the cited prior art reference for the reasons stated in the September 29 response.

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Respectfully submitted,


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